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February 24, 2006

United States Bankruptcy Court
Judge Glen E. Clark
350 South Main Street
Salt Lake City UT 84101

Dear Judge Clark:

I am writing to express my opinion concerning the presumptive fee to be awarded in confirmed chapter 13 cases. Many other lawyers have already explained that higher fees should be awarded because chapter 13 cases are much more time consuming under BAPCPA. I do not keep track of my hours on chapter 13 cases but I can attest that I have spent a great deal more time on the post October 17 cases I have filed than on pre October 17 cases. Thus, it makes sense to raise the presumptive fee based simply on a measure of approximate law firm time required to see each case through confirmation and the claims objection process.

However, I do not keep track of my hours and have not generally used hours spent on a chapter 13 case as a measure of whether chapter 13 practice is profitable. I have historically simply taken all chapter 13 debtors who are eligible for relief and filed their petitions. In some cases I have earned \$2000 and on a lot more I have earned only \$900 or less. On the whole, however, the general flow of revenue from all of my cases has seemed sufficient to justify keeping the chapter 13 practice operating. This model only works, however, when I have a steady flow of chapter 13 cases and I know that the most lucrative cases could pay enough to "subsidize", if you will, the cases that self-destruct early.

Before October 17, the possibility of earning \$2,000 or even \$1,600 on any particular case was just enough--barely--to keep the model working. Now, however, the possibility of earning the same amount for a great deal more work--and personal liability--is simply not tenable. I am not willing to take on 10 cases knowing that statistically only 3 or 4 might actually be confirmed if those 3 or 4 will only pay at most \$2,000. Moreover, there is presently some uncertainty under BAPCPA about when I will receive the fees.

In order for me to continue practicing chapter 13 where the ceiling on fees is \$2,000, I either need to be able to cherry pick the cases which I know will be confirmed and which will stay active long enough for my fee to be paid or I need to be fully paid pre-petition. However, I don't know which cases will be cherries and most debtors don't

have immediate access to \$2,000. Therefore, I either need to earn more than \$2,000 or I will wind my practice down. I realize that my personal retirement from chapter 13 cases won't have a big impact on debtors' access to bankruptcy relief but I daresay I am not the only bankruptcy attorney who thinks about chapter 13 revenue like I do. I think the aggregate affect of keeping "no look" fees as low as they are now will be a marked decrease in the chapter 13 bankruptcy bar membership. Already in Ogden there are few chapter 13 attorneys and we who are still doing it are actively looking for alternatives if the present compensation scheme should remain unchanged.

The "no-look" fees should be raised to \$3,000 for all the reason set forth above. For me, \$2,500 as a maximum "no look" fee is not a big enough difference from the present scheme to overcome my hesitation.

I appreciate the Court's willingness to discuss this issue and take into consideration the feedback from those of us who are out in the trenches. Thank you for your time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Aaron Nilsen".

Aaron A. Nilsen